

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WILLIAM E. DUGAN, *et al.*, )  
Plaintiffs, ) CIVIL ACTION  
vs. ) NO. 08 C 3487  
BURT, INC., an Indiana corporation, ) JUDGE MILTON I. SHADUR  
Defendant. )

**MOTION FOR ENTRY OF DEFAULT AND FOR AN ORDER  
DIRECTING DEFENDANT TO TURN OVER  
MONTHLY FRINGE BENEFIT CONTRIBUTION REPORTS**

NOW COME Plaintiffs, by their attorneys, and move for entry of default and for an order directing BURT, INC., an Indiana corporation, Defendant herein, to turn over monthly fringe benefit contribution reports due for the months of October 2007 through May 2008, pursuant to the Agreements and Declarations of Trust to which Defendant is bound, said Defendant having failed to answer or otherwise plead to the Complaint and the monthly contribution reports being required in order to liquidate Plaintiffs' claims.

On June 26, 2008, the Summons and Complaint was served on the Registered Agent by tendering a copy of said documents to him personally at his place of business (a copy of the Summons and Affidavit of Service is attached hereto). Therefore, Defendant's answer was due on July 16, 2008. As Defendant has failed to timely answer the Complaint, Plaintiffs respectfully request entry of default.

/s/ Cecilia M. Scanlon

**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 31st day of July 2008:

Mr. John F. Burt, Registered Agent  
Burt, Inc.  
11836 Woodmar Place  
Cedar Lake, IN 46303

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon  
Attorney for Plaintiffs  
BAUM SIGMAN AUERBACH & NEUMAN, LTD.  
200 West Adams Street, Suite 2200  
Chicago, IL 60606-5231  
Bar No.: 6288574  
Telephone: (312) 236-4316  
Facsimile: (312) 236-0241  
E-Mail: [cscanlon@baumsigman.com](mailto:cscanlon@baumsigman.com)

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS**

**SUMMONS IN A CIVIL CASE**

WILLIAM E. DUGAN, et al.

CASE NUMBER: 08CV3487

V.

ASSIGNED JUDGE: JUDGE SHADUR

BURT, INC., an Indiana corporation

DESIGNATED

MAGISTRATE JUDGE:

I hereby certify that I have served the  
 within writ on the 26 day of  
JUN 2008 by leaving a copy  
 at 11836 Woodmar Pl. Cedar Lake, IN  
 the dwelling place or usual place of  
 abode of said defendant.

ROGELIO ROY DOMINGUEZ, SHERIFF  
 By Deputy 6-26-08  
 Copy Mailed 6-26-08

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Cecilia M. Scanlon  
 BAUM SIGMAN AUERBACH & NEUMAN, LTD.  
 200 W. Adams Street, Suite 2200  
 Chicago, IL 60606-5231  
 (312) 236-4316

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

**Michael W. Dobbins, Clerk**

*Paul W. Dobbins*

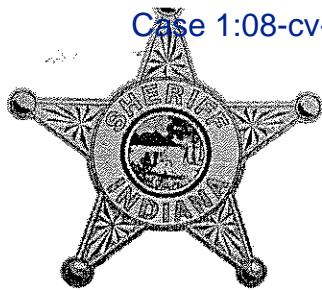
(By) DEPUTY CLERK

Date

June 18, 2008



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23196

Affidavit  
Of  
Out of State  
Service

State of ILLINOIS Cause Number 08CV3487

County of \_\_\_\_\_

Plaintiff William F. D'AGAN

VS.

Defendant BURT, INC.

(State of Indiana

(County of Lake

Deputy Sheriff DAN BURSAC, on oath, being duly sworn deposes and says: I am a citizen of the United States and the state of Indiana; above the age of twenty-one years, not a party of the entitled action, and in no way interested therein. That on the 26 Day of June, 2008, in the city of CEDAR LAKE, County of Lake and the State of Indiana, I served, in the above entitled cause, on the named Defendant JOHN F. BURT by mailing, also delivering to and leaving with at

(ADDRESS) 11836 Abundant Peace, Cedar Lake, IN

PERSONALLY  AUTHORIZED AGENT  PLACE OF RESIDENCE AND COPIES MAILED

Milica Stanivuk

Deputy Sheriff of Lake County, Indiana

Subscribed and sworn to and before me this 26<sup>th</sup> Day of June A.D. 2008.

Notary Public: Milica Stanivuk

My Commission Expires

